IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

W.P. NOS.6288 OF 2004, 3228 OF 2001, 7030 OF 2000, 19611 OF 2000, 7668 OF 2004 AND 20736 OF 2000

COMMON ORDER:

WRIT PETITION NO : 6288 of 2004

Between:

Director of Sericulture, A.P.,

Road No.72, Prashasan Nagar, Jubilee Hills, Hyderabad-500033.

..... PETITIONER

AND

Smt.B.Snehalatha, Assistant Director of Agriculture, O.D.as Assistant Project Officer, D.D.P., Ananthapur,
Ananthapur District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of "WRIT OF CERTIORARI" calling for the records connected with order dated 11-12-2001 in O.A.No.6846 of 2001 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as illegal and erroenous.

Counsel for the Petitioner: GP FOR SERVICES I

Counsel for the Respondent No: Mr.T.SURYA KARAN REDDY

WRIT PETITION NO : 3228 of 2001

Between:

1. The Director of Sericulture, A.P.,

Road No.72, Prashasan Nagar, Jubilee Hills, Hyderabad-500033.

2. The Regional Joint Director of Sericulture,

Chittoor, Chittoor District – 517 001.

3. The Asst.Director of Sericulture,

Markapur, Prakasam District – 523 001.

4. The State of Andhra Pradesh rep. By its

Secretary to Government,

Agriculture & Cooperation Department, Secretariat,

Hyderabad – 500 022.

..... PETITIONERS

AND

1. Smt.B.Snehalatha,

   W/o Late Rajagopala Reddy,

   O/o Project Director, D.D.P., Anantapur

   (Applicant in O.A.No.6531/2000)

2. The Project Director, D.D.P., Anantapur,

   Anantapur District – 515 001

   (Respondent-5 in O.A.No.6531/2000)

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any writ, order or direction one in the nature of WRIT OF CERTIORARI calling for the records dated 3.11.2000 passed in O.A.No.6531 of 2000 on the file of Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as illegal and erroneous.

Counsel for the Petitioner: GP FOR SERVICES II

Counsel for the Respondent No: MR.T.SURYA KARAN REDDY

WRIT PETITION NO : 7030 of 2000

Between:

1. Smt.B.Snehalatha, W/o.Late Rajagopala Reddy, Assistant Project Officer, D.P.P., Anantapur, Anantapur District.

..... PETITIONER

AND

1. The State of Andhra Pradesh rep. By its Secretary to Government, Agriculture and Cooperation Department, Secretariat, Hyderabad – 500 022.

2. The State of Andhra Pradesh rep. By its Secretary to Government, General Administration Department, Secretariat, Hyderabad – 500 022.
3. The Commissioner and Director of Sericulture, A.P., Hyderabad – 500 001.
4. Sri.O.Dhanraj, S/o. Late O.S.Guru, aged About 35 years, Inspector of Sericulture, O/o. Assistant director of Sericulture, Chittoor, Chittoor District.
5. Sri.K.Peddanna, S/o. Late K.C.Peddanna, Aged about 46 years, Inspector of Sericulture, D.P.A.P.Grainage, Kuppam, Chittoor District.

6. B.Hemachandran, Inspector of Sericulture,

Madakasira, Anantapur District.

7. M.Venkateswara Prasad, Inspector of

Sericulture, Palamaneru,

Chittoor District.

8. B.Balakrishna, Inspector of Sericulture,

Kadiri, Anantapur District.

9. U.Nanjundappa, Inspector of Sericulture,

Madakasira, Anantapur District.

10.The Commissioner of Panchayat Raj and

Rural Development, A.P., Hyderabad. .....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the Proceedings Rc.No.8534/Z.IV/96-B2, dated 12-6-1996 issued by the 3rd respondent as confirmed by the Hon'ble A.P. Administrative Tribunal, Hyderabad vide its judgment made in O.A.No.4265 of 1996 dated 4.4.2000 as illegal, arbitrary, contrary to Law and unconstitutional, by holding that the dates of regularization assigned to the petitioner in the category of Foreman, Assistant Inspector of Sericulture and Inspector of Sericulture cannot be altered at this point of time and further declare that the persons promoted subsequent to the petitioner cannot be regularized prior to the date of regularization of the petitioner and the 3rd respondent shall prepare a fresh seniority list in the category of Inspectors of Sericulture strictly in accordance with Rule 33(A) of A.P. State and Subordinate Service Rules and consequently consider the case of the petitioner for promotion as Assistant Director of Sericulture with effect from the date on which her juniors (as per the fresh seniority list to be drawn up following the above principle) was promoted with all consequential benefits; and pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.SURYA KARAN REDDY

Counsel for the Respondent No.1 to 3 & 10: GP FOR SERVICES II

R4: Mr.M.Surender Rao, R5: Mr.ARIFULLA, R6: Mr.KASAJAGAN MOHAN REDDY

WRIT PETITION NO : 19611 of 2000

Between:

1 R.Chandra Shekar Reddy S/o.R.Sivalinga Reddy

Inspector of Sericulture, Rayachoti ,Cuddapah Dist

2 M.K.Maruthi Ram S/o.M.K.Satyanarayana Rao
Inspector of Sericulture, A.P.State Sericulture Research and

Development Institute , Kirikera Hindupur Mandal , Ananthapur Dist

3 M.Raja ratnam, S/o.M.Devaraju, Inspector of Sericulture,
O/o.The Asst director of Sericulture , Kadiri Anantapur Dist.

..... PETITIONER(S)

AND

1 The State of A.P. Rep by its Secretary to Govt.,
Agriculture and Cooperation Dept. Secretariat , Hyderabad-500 022.
2 The Secretary to Govt of A.P.
General Administration Dept, Secretariat , Hyderabad-500 022.
3 The Director of Sericulture, Andhra Pradesh,
Road No.72 , Prashasan Nagar ,Jubilee Hills Hyderabad-033.
4 Sri.O.Dhanraj, Assistant Director of Sericulture, Sericulture Department,
Guntur Dist , Guntur -001.
5 A.Subbaramaiah, Assistant Director of Sericulture, Sericulture Dept.,
Kadiri-515 591 , Anantapur Dist.
6 B.Hemchandran, Inspector of Sericulture, Sericulture Dept.,
Madakasira-001 Ananthapur dist.
7 P.Sadasiva Reddy ,Through inspector of Sericulture
O/o. Director of Sericulture , A.P. Road No.72 , Prashasannagar , Jubilee Hills
Hyderabad-033.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to may be pleased to issue an order or direction more in the nature of Writ of Mandamus, declaring the seniority list issued in R.C.No.8534/Z.IV/96-B2 , Dt:12-6-1996 issued by the 3rd respondent , as confirmed by the Hon'ble A.P.Administrative Tribunal, Hyderabad in O.A.No.2608 of 1999 Dt::4-4-2000 as illegal , arbitrary , contrary to law and unconstitutional, and contrary to service rules by holding that the dates of regularization assigned to the petitioners in the category of Inspectors of Sericulture cannot be altered particularly by the 3rd respondent at this point of time and further the persons promoted subsequent to the petitioners cannot be regularised prior to the date of regularisation of the petitioners and the 3rd respondent shall prepare a fresh seniority list in the category of Inspector of Sericulture strictly in accordance with Rule-33(A) of the A.P.State & Subordinate Service Rules and consequently consider the case of the petitioners for the promotion as Assistant Director of Sericulture with effect from the date on which their Juniors (as per the fresh seniority list to be drawn-up by following the above principles) was promoted with all consequential benefits, and pass such other order or orders.

Counsel for the Petitioner: MR.T.SURYA KARAN REDDY

Counsel for Respondent Nos.1 to 3: Government Pleader for Services II.

Counsel for Respondent Nos.4 and 5: None appeared.

Counsel for the Respondent Nos.6 & 7: MR.KASAJAGANMOHAN REDDY

WRIT PETITION NO : 7668 of 2004

Between:

1 V. Seetharam Reddy, S/o V. Venkata Kista Reddy,
Assistant Director of Sericulture, Government Cocoon Market,

Opp: Hanuman Temple, Trimulgiri, Secunderabad.
2 A. Rama Murthy, S/o A. Venkata Subbaiah,
Assistant Director of Sericulture, Department of Sericulture,

Medak, Medak District.
3 M. Eswaraiah, S/o M. Venkatanarayana
Assistant Director of Sericulture, Department of Sericulture,

Penukonda, Ananthapur District.
4 P. Subhakar Rao, S/o Venkateswara Rao,
Assistant Director of Sericuture, MFTU, Karimnagar.
5 N. Madhava Reddy, S/o N. Satyanarayana Reddy,
Inspector of Sericulture, Department of Sericulture, Nalgonda,

Nalgonda District.

..... PETITIONER(S)

AND

1 The State of A.P. rep. by its Secretary to Government,
Agriculture and Cooperative Department, A.P. Secretariat, Hyderabad.
2 The Commissioner of Sericulture, A.P. Road No. 72, Prasasan Nagar,

Jubilee Hills, Hyderabad - 500 033.
3 The Project Director, Desert Development Programme,
Ananthapur, Ananthapur District - 001.
4 Smt. B. Snehalatha, Assistant Project Officer,
(Inspector of Sericulture), Desert Development Programme,

Ananthapur, Ananthapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus, directing the respondents to follow the final seniority list as has been upheld by the Honourable A.P. Administrative Tribunal, Hyderabad in O.A.No. 4265

of 1996 dated 4-4-2000 and which still holds good as on today and pass such other order or orders.

Counsel for the Petitioners: SMT.PUSHPINDER KAUR

Counsel for the Respondent Nos.1 to 3: GP FOR SERVICFES II

Counsel for the Respondent No.4: Mr.T.SURYAKARAN REDDY

WRIT PETITION NO : 20736 of 2000

Between:

K.Nagaraju S/o.Ramakrishnappa, Inspector of Sericulture,
O/o.The Asst.Director of Sericulture, Hindupur
Anantapur Dist.

..... PETITIONER

AND

1 The Director and Commissioner of Sericulture, A.P.Secretariat, Hyderabad.
2 The State of A.P Rep.by its Serecetary to Govt,Agriculture &

Corporation Dept., Secretariat Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the seniority list issued in R.C.No.8534/Z.IV/96-B2, dt.12-6-1996 issued by the 3rd respondent, as confirmed by the Hon'ble A.P.Administrative Tribunal, Hyderabad in O.A.No.5099 of 1996 dated 4-4-2000 as illegal, arbitrary, contrary to law and unconstitutional, and contrary to service rules, by holding that the dates of regularisation assigned to the petitioner in the category of Inspector of Sericulture cannot be altered particularly by the 1st respodent at this point of time and further the persons promoted subsequent to the petitioner cannot be regularised prior to the date of regularisation of the petitioner and the 1st respondent shall prepare a fresh seniority list in the category of Inspector of Sericulture strictly in accordance with Rule-33(A) of the A.P.State & Subordinate Service Rules and consequently consider the case of the petitioner for promotion as Assistant Director of Sericulture with effect from the date on which his juniors (as per the fresh seniority list to be drawn-up by following benefits and pass such other order or orders.

Counsel for the Petitioner: MR.T.SURYA KARAN REDDY

Counsel for the Respondents: G.P. FOR SERVICES II

The Court made the following Common Order:

JUDGMENT: (Per B.Seshasayana Reddy,J)

1. W.P.Nos.7030 of 2000, 19611 of 2000 and 20736 of 2000 are directed against the common order dated 4.4.2000 passed in O.A.No.4265 of 1996 and batch, on the file of Andhra Pradesh Administrative Tribunal, Hyderabad. W.P.No.7030 of 2000 is filed by Smt.B.Snehalatha aggrieved by the judgment passed in O.A.No.4265 of 1996. Sri.R.Chandrashekar Reddy, M.K.Maruthi Ram and M.Raja Rathnam filed W.P.No.19611 of 2000 aggrieved by the judgment passed in O.A.No.2608 of 1999 and whereas Mr.K.Nagaraju filed W.P.No.20736 of 2000 against the judgment passed in O.A.No.5099 of 1996. The learned Tribunal by a common judgment dated 4-4-2000 passed in O.A.No.49241 and 49242 of 1991 and batch directed the official respondents to take all the consequential steps in accordance with the seniority list dated 12.6.1996 in the cadre of Inspector of Sericulture.

2. The applicants before the Tribunal were initially appointed as Farm Foreman in Sericulture Department and later on promoted as Assistant Inspectors of Sericulture and further promoted as Inspectors of Sericulture. The unofficial respondents in the said O.As were directly recruited as Assistant Inspectors of Sericulture and subsequently promoted as Inspectors of Sericulture. Their recruitment to the initial cadre was made in accordance with Special Rules issued in G.O.Ms.No.578, dated 12.6.1961. The post of Assistant Inspector of Sericulture can be filled up either by promotion or by direct recruitment as provided in class XI(2) of the Rules. The feeder post to the Assistant Inspector of Sericulture by way of promotion is Farm Foreman including demonstrator. For special reasons, promotion or transfer from any other class or category, or recruitment by transfer from any other service is also permitted. For the first time regularization of services of employees in Sericulture Department

was done in the year 1986 vide proceedings No.5798/86-B2, dated 3.4.1986 along with the provisional seniority list in the cadre of Inspector of Sericulture. The said provisional seniority list of Inspector of Sericulture (Zone-IV) was revised after examining the claims and objections and the revised provisional seniority was communicated vide memo Rc.No.5798/86-B2, dated 13.10.1986. Again in the year 1991 provisional seniority list was revised. Questioning the revised provisional seniority list of the year 1991, some employees submitted their claims and objections. They had also filed O.A.Nos.33601 to 33604 of 1991, 40650 to 40651 of 1991, 16034 of 1991 and O.A.No.78 of 1993. The learned Administrative Tribunal directed the official respondents to prepare a final list of Inspectors giving the relevant date on which each became fully qualified for being promoted or appointed referring to the recruitment Rules. The relevant portion of the order passed by the Tribunal on 26.12.1991 in the aforesaid O.As reads as follows:

> " The authorities shall prepare a final list of inspectors giving the relevant dates on which each become fully qualified for being promoted or appointed referring to the various requirements for the said eligibility. The said list will be placed before the Tribunal…"

The official respondents keeping in view the directions issued by the learned Administrative Tribunal prepared a provisional seniority list in the year 1994 and communicated the same vide Rc.No.6565/89-B2, dated 18.5.1994 calling for objections from the affected parties. After considering the objections, seniority list came to be finalized and the same was communicated by the Director of Sericulture vide proceedings No.8534/96-B2, dated 12.6.1996. The said final seniority list came to be questioned by the promotees by filing O.As before the Tribunal. The official respondents and the unofficial respondents filed counters in the aforesaid O.As resisting the claim of the applicants. The learned Tribunal by a common judgment dated 4.4.2000 passed in O.A.No.4265 of 1996 and batch upheld the seniority list and directed the official respondents to take all consequential steps in accordance with the said seniority list. The Tribunal, thus set at rest dust and din of the controversy with regard to the inter se seniority between the promotees and direct recruiters in the cadre of Inspector of Sericulture by upholding the seniority list dated 12.6.1996. Assailing the judgment of the Tribunal, the promotees have filed W.P.Nos.7030 of 2000, 19611 of 2000 and 20736 of 2000.

3. We need not labour ourselves in detailing the facts in each of the O.As filed by the promotees. It would suffice if we refer the facts in O.A.No.4265 of 1996 filed by Smt.B.Snehalatha who has figured as applicant in good number of O.As. It need to be noted that she not only filed O.A.No.4265 of 1996 questioning the seniority list dated 26.9.1996 but she also filed O.A.No.6846 of 2001 seeking a direction to the official respondents for fixing the salary in the cadre of Assistant Director, Agriculture and O.A.No.6531 of 2000 seeking a direction to the official respondents to regularize the period of absence and extend the benefit of revised pay scales of 1999. The learned Tribunal allowed O.A.No.6846 of 2001 and 6531 of 2000 by judgments dated 11.12.2001 and 3.11.2001 respectively. Assailing the judgment passed in O.A.No.6846 of 2001 and 6531 of 2000, the Department has preferred W.P.No.6288 of 2004 and W.P.No.3228 of 2001 respectively. Direct recruitees also filed W.P.No.7668 of 2004 assailing the order dated 11.12.2001 passed in O.A.No.6846 of 2001 on the ground that the relief granted to the applicant therein adversely affects their seniority etc. Since the dispute in all these writ petitions relate to fixation of seniority in the categories of Assistant Inspector/Inspector of Sericulture, they are being disposed of under this common judgment.

4. Smt.B.Snehalatha was appointed as Farm Foreman on 1.5.1980 and she was promoted as Assistant Inspector of Sericulture on 1.11.1981 and she was further promoted as Inspector Sericulture on 23.4.1983. The department prepared a provisional seniority list of the employees for the first time in the year 1986 and thereafter revised provisional seniority list was prepared on 30-10-1986 and again the same was revised in 1991. Many O.As came to be filed questioning the revised seniority list. The learned Tribunal gave certain directions while disposing of O.A.No.33601 of 1991 and batch. The Department keeping in view the directions given by the Administrative Tribunal in the above said O.As prepared provisional seniority list in the year 1994 and called for objections from the employees. After hearing the objections, a final seniority list came to be prepared and communicated on 12.6.1996. The promotees filed O.As questioning the seniority list dated 12.6.1996. The learned Tribunal by judgment dated 4.4.2000 upheld the seniority list and directed the Department to take all consequential steps in accordance with the seniority list dated 12.6.1996. Hence, these writ petitions by the applicants

(promotees).

5. Learned counsel for the writ petitioners submits that the unofficial respondents were far juniors to them in the cadre of Assistant Inspector of Sericulture and therefore putting them above the writ petitioners is contrary to the Service Rules. It is further submitted by him that the learned Tribunal is not justified in disturbing the seniority between the promotees and the direct recruitees that was settled in the year 1986 and therefore the impugned order is liable to be set aside. On the other hand, learned Government Pleader for Services-I submits that the Tribunal on considering the Special Service Rules issued in G.O.Ms.No.578, dated 12.5.1961 and Rules 16(a) and 33 of A.P. State and Subordinate Service Rules upheld the seniority list prepared by the Department on 12.6.1996 by giving cogent and convincing reasons and therefore the same is not liable to be set aside in these writ petitions. Counsel appearing for the unofficial respondents submits that B.Snehalatha did not have the requisite period of service to be promoted as Assistant Inspector of Sericulture as on 1.11.1981 from the feeder category and, therefore, she was not entitled for regularization of services in the cadre of Assistant Inspector of Sericulture w.e.f. 1.11.1981 and so also in the cadre of Inspector of Sericulture w.e.f. 23.4.1983. It is further submitted by him that the Department has considered the objections of the employees and the relevant Rules then in force and prepared a seniority list dated 12.6.1996 and the same is in accordance with the Service Rules and therefore the impugned order upholding the said seniority list is not required to be interfered with in these writ petitions.

6. The Rules in force as on the date of the appointment of Smt.B.Snehalatha and other persons similarly situated as Farm Foreman are Special Rules issued in G.O.Ms.No.578, dated 12.5.1961. The post of Assistant Inspector of Sericulture can be filled up either by promotion from the cadre of Farm Foreman or direct recruitment or for special reasons promotion or transfer from any other class or category or recruitment by transfer from any other service. The minimum service required to be put in as a Farm Foreman to become eligible to be promoted as Assistant Inspector of Sericulture was not less than three years. Admittedly, Smt.B.Snehalatha and other

persons similarly situated did not have requisite years of service, as on 1.11.1981 and that was the reason for the Department to treat the promotion of Smt.B.Snehalatha as adhoc promotion. It can be said without any controversy that her promotion was a premature promotion and it was purely on adhoc basis. It is held by the Supreme Court in SANJAY K.SINHA-II & ORS v. STATE OF BIHAR & OTHERS that appointments made contrary to the rules are merely fortuitous and do not confer benefit of seniority on the appointees over and above the regular/substantive appointees to the service. It is further held that such appointments cannot confer the benefit of seniority from the date of appointment. In order to become a member of service, the person concerned has to satisfy atleast two conditions – firstly, appointment must be in substantive capacity and secondly, the appointment has to be to the post in the service according to the Rules and within the quota to a substantive vacancy vide decision of Supreme Court in KESHAV CHANDRA JOSHI AND OTHERS V. UNION OF INDIA AND OTHERS. In W.C.MONGA V. STATE OF PUNJAB & ORS it has been held by the Supreme Court that a person who got promotion against Rules, which are statutory, cannot claim seniority from the date of promotion.

7. At this juncture, we deem it appropriate to refer the relevant Rules in G.O.Ms.No.578 dated 12.5.1961. Clause XI reads as follows:

" 1. …. ….

2. Farm Manager a) Promotion of Farm Foreman

(Redesignated as including demonstrator, or

Asst. Inspector b) Direct Recruitment; or

Of Sericulture) c) for special reasons promotion

or transfer from any other class

or category or recruitment by

Transfer from any other service.

The qualifications prescribed for promotion to the post of Farm Manager (redesignated as Assistant Inspector of Sericulture) as per Annexure to Rule 6 of the said Rules reads thus:-

Class Category Method Qualifications

XI 1 Promotion Service in Silk Farm recogni-

sed by the Department for a

period of not less than 5

years out of which not less

than 3 years shall be in

Category of Farm Foreman

or any other equivalent

post.

The post of Sericulture Inspector (Category-1 of Class XI) can be filled by promotion of by direct recruitment as per the said Rules. The relevant portion reads thus:-

Clause XI

-

1. Sericulture Inspector (a) promotion of Farm manager

including Sericulture including rearing Assistants and

Supervisor. Sericulture Inspector; or

(b) Direct Recruitment; or

© For special reasons promotion

or transfer from any other class

or category or recruitment by

transfer from any other service.

The qualifications prescribed for the post of Sericulture Inspector as envisaged in Annexure to Rule 6 of the said Rules, reads as under:

Class Category Method Qualifications

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XI. 1. Sericulture Promotion 1. A Degree in Agriculture or

Inspector a Degree in Arts or Scienc

Including -e with Botany or Zoology

Supervisor main subjects of study

From Hyd. from any recognized

University.

2. Three years service in the

feeder posts.

Direct i. A degree in Botany, Zoolog

Recruitment -y or Agriculture with a

Or recruit- Diploma or Certificate in

ment by Sericulture from any

Transfer. Recognized Institute.

ii) Practical experience for a

period of not less than 3

years in Sericulture."

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The learned Tribunal on an elaborate discussion on the relevant Rules and on considering the orders passed in earlier batch of OAs has observed as follows:

" Rule 16(a) lays emphasis on appointment in accordance with the Rules. If a person is appointed to a service contrary to the Rules, the proviso to Rule 16(a) comes into play. According to the proviso, if the appointing authority commences the probation, his commencement of probation shall not adversely affect any person who has been appointed to the same service in the same unit. It is, therefore, clear from the proviso to Rule 16(a) that even if the appointing authority on an erroneous consideration commences probation it cannot and shall not confer the right to be declared as an approved probationer if it affects adversely any person who has been appointed earlier or simultaneously to the same service in the same unit. The case of the Party respondents in O.A.No.4265 of 1996 and other similarly situated persons is that they were appointed to the service earlier and the applicant in O.A.No.4265 of 1996 and other similarly situated applicants are juniors to them in the feeder category and their appointment itself is contrary to the Special Rules and that undue benefit was conferred on them contrary to law and Rules by the appointing authority, that the

> same cannot be perpetuated and that the service rendered by them cannot be counted towards seniority. From a reading of Rule 16(a) of A.P. State and Subordinate Service Rules, 1996 it emerges that (1) the appointment of a person should be in accordance with Rules, and (2) the commencement of probation also shall not adversely affect the persons who have been appointed earlier or simultaneously to their disadvantage."

The findings recorded by the learned Tribunal is in accordance with the Rules in force and therefore it does not warrant any interference. Admittedly, Smt.B.Snehalatha had not completed three years service which is the pre-requisite for being promoted from the post of Farm Foreman to the post of Assistant Inspector of Sericulture and so also she did not possess requisite number of years of service for further promotion from the post of Assistant Inspector of Sericulture to the post of Inspector of Sericulture. The Department taking into consideration the directions given in the earlier batch of O.As and upon consideration the objections to the provisional seniority list, prepared a final seniority list dated 12.6.1996. Learned counsel for the writ petitioners submits that Smt.B.Snehalatha has completed three years of service put together in the cadres of Farm Foreman and Assistant Inspector of Sericulture and therefore she possessed requisite number of years of service for being promoted as Inspector of Sericulture as on 1.5.1983. We do not see any merit in the contention since the experience required is three years in each category i.e. Farm Foreman and Assistant Inspector of Sericulture and not aggregate experience in the category of Farm Foreman and Assistant Inspector of Sericulture. We do not see any violation of principles of natural justice or infracture of any service Rule in the final seniority list dated 12.6.1996 prepared by the Department. Therefore, the impugned order is not required to be interfered with in these writ petitions. The department is directed to fix the seniority of Smt.B.Snehalatha and other persons similarly placed in accordance with the seniority list dated 12.6.1996. Since the lis between the promotees and the direct recruits is being set at rest by confirming the orders passed by the learned Tribunal relating to the seniority list dated 12.6.1996, W.P.Nos.7030 of 2000, 19611 of 2000 and 20736 of 2000 are dismissed. As the seniority list dated 12.6.1996 has been upheld, W.P.Nos.6288 of 2004, 3228 of 2001 and 7668 of 2004 are disposed of directing the Department to consider the fixation of pay and release of LPC of Smt.B.Snehalatha in accordance with the seniority list

dt.12.6.1996.

Dated: 13-08-2004 (G.Bikshapathy, J)

Tnb

(B.Seshasayana Reddy, J)

To

1. The Director and Commissioner of Sericulture, Secretariat, Hyderabad.
2. The Secretary to Government, Agriculture and Cooperation Department, Secretariat, Hyderabad.
3. The Secretary to Government of A.P., General Administration Department, Secretariat, Hyderabad.
4. The Director of Sericulture, Road No.72, Prashasan Nagar, Jubilee Hills, Hyderabad – 33.
5. The Regional Joint Director, Sericulture Department, Chittoor District, Chittoor – 517 001.
6. The Assistant Director, Sericulture Department, Markapur, Prakasham District – 523 001.
7. The Commissioner of Panchayat Raj & Rural Development, Government of

A.P., Hyderabad.

8. The Commissioner, Sericulture Department, Road No.72, Prashashan Nagar, Jubilee Hills, Hyderabad – 33.

9. The Project Director, Desert Development Programme, Anantapur, Anantapur District.

10. The Assistant Project Officer, Desert Development Programme, Anantapur, Anantapur District.

11. The Assistant Director of Sericulture, Hindupur, Anantapur district.

12. The Assistant Director of Sericulture, Government of A.P, Cocoon Market, Opp.Hanuman Temple, Tirumalgiri, Secunderabad.

13. The Assistant Director of Sericulture, Department of Sericulture, Medak, Medak District.

14. The Assistant Director of Sericulture, Penukonda, Anantapur District.

15. The Assistant Director of Sericulture, MFTU, Karimnagar.

16. The Inspector of Sericulture, Nalgonda, Nalgonda District.

17. The Inspector of Sericulture, Rayachoti, Kadapa District.

18. The Inspector of Sericulture, APSSRDI, kirikera, Anantapur District.

19. The Inspector of Sericulture, O/o The Assistant Director, Sericulture Department, Kadiri, Anantapur District.

20. The Assistant Director of Sericulture, Guntur, Guntur District.

21. The Assistant Director of Sericulture, Kadiri, Anantapur District.

22. The Inspector of Sericulture, Madakasira, Anantapur District.

23. 2 CCs to Government Pleader for Services I, High Court of A.P., Hyderabad. (OUT).

24. 2 CD copies.